

COPY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

'ILIO'ULAOKALANI COALITION,) Civil No. 04-00502 DAE BMK
a Hawai'i nonprofit)
corporation; NA 'IMI PONO,)
a Hawai'i unincorporated)
association; and KIPUKA, a)
Hawai'i unincorporated)
association,)

Plaintiffs,)

vs.)

DONALD H. RUMSFELD,)
Secretary of Defense; and)
FRANCIS J. HARVEY,)
Secretary of the United)
States Department of the)
Army,)

Defendants.)

DEPOSITION OF RONALD L. BORNE

Taken on behalf of the Plaintiffs, at the law
offices of Earthjustice, 223 South King Street, Third
Floor Conference Room, Honolulu, Hawai'i, commencing at
9:36 a.m., on Monday, December 4, 2006, pursuant to
Notice.

BEFORE: CARI VALLO, CSR No. 252, RPR
Notary Public, State of Hawai'i

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Exhibit 1

1 you've drawn a dark line to one side of the road.

2 What's the other limit of the --

3 A Would be the road itself.

4 Q I'm going to try and finish the question just
5 for a clear record. I appreciate it's not normal
6 conversation. It's a little awkward, but it will help
7 the court.

8 So with respect to the area ER-5, only those
9 portions, as the map is situated above the road, which
10 I assume would be to the north of the road, would be
11 used for off-road maneuvers; is that correct?

12 A That is correct.

13 Q So other than the three areas that you have
14 identified in range area ER-5, ER-3A, and then ER-1A
15 going over on to ER-1B, these are the only off-road
16 maneuver areas currently being used; is that correct?

17 A That is correct.

18 Q For purposes of the request to the court for
19 Stryker off-road maneuver training at East Range, these
20 are the only areas that the Army believes that it
21 needs; is that correct?

22 A For Stryker drivers OPNET training, that is
23 correct.

24 Q In terms of what the Army is currently asking
25 the court for leave to do, is there any other training

1 at Schofield East Range that is being requested?

2 MR. LEWIS: Objection. Foundation.

3 THE WITNESS: I am not aware for Stryker OPNET
4 driver's training, but there may be collective training
5 the brigade may ask to do.

6 BY MR. HENKIN:

7 Q Who would know that?

8 A Colonel Banach.

9 Q I'm going to show you a couple of maps. Let's
10 see if you recognize them. Both of them were
11 referenced in the Army's first supplemental response to
12 plaintiffs' first set of interrogatories and request
13 for production of documents and things as being related
14 to the off-road maneuver areas being requested for
15 Kahuku training area.

16 Do you recognize these documents?

17 A Yes, I do.

18 MR. HENKIN: If we could please have them
19 labeled -- we'll attach them afterwards, but for now
20 we'll review them side by side as Exhibit No. 3.

21 MR. LEWIS: I object to Exhibit 3. It's the
22 equivalent of a compound question. You've got two maps
23 there that you're going to be talking about. I think
24 they should be labeled either Exhibit 3 A and B --

25 MR. HENKIN: Okay. I'm amenable. Let's label

1 STATE OF HAWAI'I)
2 CITY AND COUNTY OF HONOLULU) SS.

3
4 I, CARI VALLO, CSR No. 252, a Notary Public in
and for the State of Hawai'i, do hereby certify:

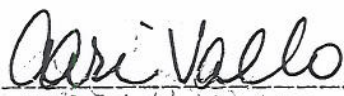
5
6 That on Monday, December 4, 2006, at 9:36 a.m.,
appeared before me RONALD L. BORNE, the witness whose
7 testimony is contained herein; that prior to being
8 examined, the witness was duly sworn or affirmed; that
the proceedings were taken in computerized machine
9 shorthand by me and were thereafter reduced to print
under my supervision; that the foregoing represents, to
the best of my ability, a correct transcript of the
proceedings had in the foregoing matter;

10
11 That, if applicable, the witness was notified
through counsel, by mail, or by telephone to appear and
12 sign; that if the transcript is not signed, either the
reading and signing were waived by the witness and all
13 parties or the witness has failed to appear and the
original is therefore kept on file without signature
pursuant to Court rules;

14
15 That pursuant to HRCP 30(f)(1), the original
will be forwarded to noticing counsel for retention,
16 unless otherwise agreed to by all counsel.

17
18 I further certify that I am not counsel for any
of the parties hereto nor in any way interested in the
19 outcome of the cause named in the caption.

20 Dated this 8th day of December, 2006, in
Honolulu, Hawai'i.

21
22 
23 Notary Public, State of Hawai'i
My Commission expires: November 6, 2008
24 CARI VALLO, CSR No. 252, RPR
25